

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

ROGER FARLEY and wife,
CAROLYN FARLEY,

Plaintiffs,

VS.

No. _____

STATE FARM FIRE & CASUALTY CO.
And JOSEPH ROOKER, AGENT FOR
STATE FARM INSURANCE,

Defendants.

NOTICE OF REMOVAL

Defendant State Farm Fire & Casualty Co. hereby notifies the Judges of the United States District Court for the Middle District of Tennessee, the clerk of the Chancery Court of Hickman County, Tennessee and Roger Farley and wife Carolyn Farley, that the action described herein and filed in the Chancery Court of Hickman County, Tennessee, is removed to the United States District Court for the Middle District of Tennessee pursuant to 28 U.S.C. Section 1441.

1. On October 6, 2010, Plaintiffs Roger Farley and wife, Carolyn Farley, filed a civil action bearing Docket No. 10-CV-4236 against the Defendant, State Farm Fire & Casualty Co., in the Chancery Court of Hickman County, Tennessee. Service of the complaint and summons was made upon on State Farm Fire & Casualty Company, by certified mail through the Department of Insurance of the State of Tennessee on October 12, 2010 and service of the complaint and summons was made upon Joseph Rooker, agent for State Farm Insurance, by personal service on October 13, 2010.

2. This action is filed by Plaintiffs for proceeds allegedly due under a contract of insurance written by Defendant State Farm Fire & Casualty Co., insuring Plaintiffs' residence and contents in Hickman County, Tennessee, which property was allegedly destroyed by a fire occurring on or about February 24, 2009.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U. S. C. Section 1332.

4. Plaintiffs are residents and citizens of the State of Tennessee and were citizens of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant, State Farm Fire & Casualty Co. is a corporation incorporated in Illinois, with its principal place of business in Bloomington, Illinois. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs. The complaint seeks recovery for the policy proceeds alleging that the real and personal property for the insured location were "destroyed by a fire." (See, Complaint). The coverage available under the applicable policy of insurance include \$971,930 for the dwelling, \$728,948 for the contents and additional coverage making the amount in controversy well in excess of \$75,000.

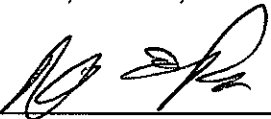
5. Plaintiffs' Complaint fails to allege the residence of Defendant Joseph Rooker. However, Removal based upon diversity of citizenship is proper in the present case under the doctrine of fraudulent joinder as Defendant Rooker is an agent for a disclosed principal and not amendable to suit for breach of contract as is set forth more fully in Defendants' Motion to Dismiss filed contemporaneously herewith.

6. This notice is filed within the time prescribed by 28 U. S. C. Section 1446(b).

7. A copy of the Summons and Complaint, being all the papers served upon the Defendants, is attached hereto as **Exhibit 1**.

WHEREFORE, Notice is hereby given that the said civil action number 10-CV-4236 is removed from the Chancery Court of Hickman County, Tennessee, to this Court.

RAINEY, KIZER, REVIERE & BELL, P.L.C.



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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon counsel of record by mailing postage prepaid to Roger Farley and Carolyn Farley, pro se plaintiffs, 1370 Highway 100, Centerville, TN 37033.

This the 21st day of October, 2010.



Russell E. Reviere (07166)